

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Rural Development)

Plaintiff

v.

CARMEN N. RIOS ORTIZ

Defendant

03 DEC -3 AM 9:07

CIVIL NO. 98-1824 (CC)
U.S. DISTRICT COURT
SAN JUAN, P.R.
FORECLOSURE OF MORTGAGE

MOTION TO SET ASIDE SALE

TO THE HONORABLE COURT:

COMES NOW the United States of America, through its undersigned attorneys, and most respectfully notifies this Honorable Court as follows:

1. In the instant case, a public sale has been set by the Marshal of this Court to be held on December 3, 2003 at 2:00 PM.

2. That today, we have learned that on December 2, 2003, defendant Carmen N. Rios Ortiz filed for Bankruptcy proceedings, under Chapter 13, case number B03-13155 (SEK).

WHEREFORE, the United States of America, respectfully requests that the judicial sale scheduled for December 3, 2003, be stayed and the U.S. Marshal be notified of this Honorable Court's Order.

I HEREBY CERTIFY that on this date I sent copy of this motion to defendants bankruptcy attorney, Teresa M. Lube Capó, Esq.

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Apartamento G-1, Condominio Miramar, Calle Unión 702, Miramar,
Puerto Rico 00907.

In San Juan, Puerto Rico, this 2nd day of December, 2003.

H.S. GARCIA
United States Attorney



LISA E. BHATIA GAUTIER
U.S.D.C. No.206014
Assistant U. S. Attorney
Torre Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Tel. 766-5656
Fax 766-6219

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Rural Development)

Plaintiff

v.

CARMEN N. RIOS ORTIZ

Defendant

CIVIL NO. 98-1824(CC)

FORECLOSURE OF MORTGAGE

NOTICE OF SALE

TO: **CARMEN N. RIOS ORITZ**, and any other party with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America for the principal aggregate amount of \$31,248.08 plus \$2,542.65 in interest accrued as of February 2, 1998, plus 9.4172% per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

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URBANA: Solar radicado en la Urbanización Villas de Loíza, situada en el Barrio Canóvanas del Municipio de Loíza, Puerto Rico, que se describe en el plano de inscripción de la Urbanización con el número, área y colindancias que se relacionada a continuación, que contiene una casa de concreto reforzado, diseñada para una sola familia.

Solar Número: Quince (15) del Bloque "RR".

Area del Solar: Doscientos treintiseis metros cuadrados on noventa centímetros cuadrados 236.90 mc).

En Lindes: Por el NORTE, en diez metros con treinta centímetros con la calle veintinueve; por el SUR, en diez metros con treinta centímetros con solar diez; por el ESTE, en veintitres metros con solar dieciseis y por el OESTE, en veintitrés metros con solar catorce.

Afecto a una servidumbre de un metro con cincuenta centímetros que discurre por su colindancia Sur a favor de la Puerto Rico Telephone Company.

Plaintiff's mortgage is recorded at page 183, volume 142 of Canóvanas, property #7232, 1st inscription at the Registry of the Property of Carolina, Section II, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each

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bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax, liens, (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be \$27,880.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United

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States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will on the 3rd day **December, 2003** at **2:00 PM** of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Carolina Part, located at Centro Judicial, Ave 65 de Infanteria, Bo. Barrazas, Carolina, P.R., in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 10th day of **December, 2003** at **2:00 PM** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 17th day of **December, 2003** at **2:00 PM** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 27th day of *October*, 2003.

HERMAN J. WIRSHING
United States Marshal

By:


Roberto Schmidt
Legal Technician

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Rural Development)

Plaintiff

v.

CARMEN N. RIOS ORTIZ

Defendant

CIVIL NO. 98-1824 (CC)

FORECLOSURE OF MORTGAGE

NEW WRIT OF EXECUTION OF JUDGMENT

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable, Carmen Consuelo Cerezo, United States District Judge, has issued an order in this case dated April 22, 1999, which copied literally, reads as follows:

"ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from the records of this Court in the above mentioned case that the defendants referred to in the judgment entered by this Court were duly summoned and said defendant~~s~~ have failed to pay to the plaintiff the sums of money adjudged to be paid under said judgment:

And it appearing further that more than ten (10) days have elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States Marshal for this District to proceed forthwith and to sell at public auction to the highest bidder, the property referred to in said judgment and described herein below in the manner and form provided in said judgment and as herein further provided:

URBANA: Solar radicado en la Urbanización Villas de
Loíza, situada en el Barrio Canóvanas del Municipio de

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Loíza, Puerto Rico, que se describe en el plano de inscripción de la Urbanización con el número, área y colindancias que se relacionada a continuación, que contiene una casa de concreto reforzado, diseñada para una sola familia.

Solar Número: Quince (15) del Bloque "RR.

Area del Solar: Doscientos treintiseis metros cuadrados on noventa centímetros cuadrados 236.90 mc).

En Lindes: Por el NORTE, en diez metros con treinta centímetros con la calle veintinueve; por el SUR, en diez metros con treinta centímetros con solar diez; por el ESTE, en veintitres metros con solar dieciseis y por el OESTE, en veintitrés metros con solar catorce.

Afecto a una servidumbre de un metro con cincuenta centímetros que discurre por su colindancia Sur a favor de la Puerto Rico Telephone Company.

Plaintiff's mortgage is recorded at page 183, volume 142 of Canóvanas, property #7232, 1st Inscription at the Registry of the Property of Carolina, Section II, Puerto Rico.

a) Said public sale shall be held at the office of the Marshal for Superior Court of Puerto Rico, Carolina Part, in accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

c) The amount of \$27,880.00 shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

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d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED in San Juan, Puerto Rico, this 22nd day of April, 1999.

(s) Carmen Consuelo Cerezo
UNITED STATES DISTRICT JUDGE"

THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed

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by virtue of this Writ of Execution and in compliance with the
order copied above, according to law, in order to execute the
judgment entered in this case against the defendants.

In San Juan, Puerto Rico, this 5th day of September, 2003.

FRANCES RIOS DE MORAN, Clerk
United States District Court
For The District Of Puerto Rico

By: _____

Deeda Gutierrez
Deputy Clerk

Certified to be a true and exact copy of the original.	
FRANCES RIOS DE MORAN, CLERK	
U.S. District Court for the District of Puerto Rico	
By: _____	<i>Deeda Gutierrez</i>
	Deputy Clerk
Date: _____	9/5/03

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CIVIL NUM. 98-1824 (CC)

UNITED STATES OF AMERICA (RURAL DEVELOPMENT)

VS.

CARMEN N. RIOS ORTIZ

FORECLOSURE OF MORTGAGE

A F F I D A V I T

I, Marilisa Román, of legal age, married, employee and resident of Bayamón, Puerto Rico, do solemnly swear:

That my name is the above mentioned and my personal circumstances are those as stated. That I am an Employee, of "EL NUEVO DIA", newspaper of General Circulation in the Island of Puerto Rico, and that position in Advertising and Legal Notice Department Supervisor and I am in charge of the advertisement.

I also declare that in the edition of this newspaper corresponding

NOVEMBER 5, 12, 19 & 26, 2003

an advertisement was published that deals with the following:

HERMAN J. WIRSHING, U. S. MARSHAL
BY: ROBERTO SCHMIDT, LEGAL TECHNICIAN

In witness whereof and upon request of those concerned, I swear to and sign the present in Guaynabo, P.R. this _____ day of NOV 28 2003, 20____.

Affidavit No. 35, 339

Acknowledged and sworn to before me by Marilisa Román and resident of Bayamón, Puerto Rico, whom I know personally 0000



Guaynabo, P.R. NOV 28 2003 19__

Frank M. Gonzalez Acevedo
NOTARY PUBLIC

United States District Court for the District of Puerto Rico. United States of America (Rural Development), Plaintiff Vs. Carmen N. Rios Ortiz, Defendant. Civil No. 98-1824 (CC). Foreclosure of Mortgage. Notice of Sale. To: Carmen N. Rios Ortiz, and any other party with interest over the property mentioned below. Whereas: Judgment in favor of the United States of America for the principal aggregate amount of \$31,248.08 plus \$2,542.65 in interest accrued as of February 2, 1998, plus 9.4172% per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed. The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico. Whereas: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction: Urbana: Solar radicado en la Urbanización Villas de Loiza, situada en el Barrio Canóvanas del Municipio de Loiza, Puerto Rico, que se describe en el plano de inscripción de la Urbanización con el número, área y colindancias que se relaciona a continuación, que contiene una casa de concreto reforzado, diseñada para una sola familia. Solar Número: Quince (15) del Bloque "RR". Área del Solar: Doccientos treinta y seis metros cuadrados con noventa centímetros cuadrados 236.90 mc). En Linder: Por el Norte, en diez metros con treinta centímetros con la calle veintinueve; por el Sur, en diez metros con treinta centímetros con solar diez; por el Este, en veintitrés metros con solar dieciséis y por el Oeste, en veintitrés metros con solar catorce. Afecto a una servidumbre de un metro con cincuenta centímetros que discurre por su colindancia Sur a favor de la Puerto Rico Telephone Company. Plaintiff's mortgage is recorded at page 183, volume 142 of Canóvanas, property #7232, 1st inscription at the Registry of the Property of Carolina, Section II, Puerto Rico. Whereas: This property is subject to the following liens: Senior Liens: None. Junior Liens: None. Other Liens: Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax, liens, (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation. Whereas: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be \$27,880.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721.

Mortgage and Property Registry Act, Act No. 198, Article 221, as amended). Whereas: Said sale, to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation. Now Therefore, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will on the 3rd day December, 2003 at 2:00 PM of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Carolina Part, located at Centro Judicial, Ave 65 de Infantería, Bo. Barrazas, Carolina, P.R., in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment. Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 10th day of December, 2003 at 2:00 PM of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 17th day of December, 2003 at 2:00 PM of said day, in the Office of the Marshal of this Court located at the address indicated above. In San Juan, Puerto Rico, this 27th day of October, 2003. Hernán J. Wirshing, United States Marshal. By: Roberto Schmidt, Legal Technician. 8318106